

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers, Thursday, March 25, 1999, 7:30 p.m. 777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Acting Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Fish, Halliday, Zermeno
Absent: CHAIRPERSON Williams
COMMISSIONER Caveglia

Staff Members Present: Anastas, Anderly, Borger, Calame, DeLuz, Jeffries,
Looney

General Public Present: Approximately 30

PUBLIC COMMENT - None

AGENDA

1. Use Permit No. 99-160-03 - Stephen Ng c/o James M.T. Chao (Applicant)/ Michael Aminian, Century Medallion Corporation (Owner) - Request to operate a service station including a mini-mart and unspecified retail uses.
2. Use Permit Application No. 99-160-02 - Timothy Higgins Quick Response Fire Systems, Inc. (Applicant/Owner) - Request to use an existing industrial building as a fire sprinkler contractor's office and warehouse. The property is located at the southeast corner of Industrial Boulevard and Baumberg Avenue, in an Industrial (I) District.
3. Revocation Of Use Permit No.78-83 And Use Permit No. 91-75, Arthur D. and Beverly Bridges Trust (Owners): Request of the Planning Director to revoke use permits due to noncompliance with the conditions of approval. The site is located at 25751-25789 Dollar Street approximately 550 feet north of Harder Road, in a General Commercial (CG) Mission Corridor Special Design Overlay District (SD-2).
4. 1998 State of the City Report

PUBLIC HEARINGS

1. Use Permit No. 99-160-03 - Stephen Ng c/o James M.T. Chao (Applicant)/ Michael Aminian, Century Medallion Corporation (Owner) - Request to operate a service station including a mini-mart and unspecified retail uses.

Development Services Review Administrator Anderly reported that the independent operator developing the site, does not know what major oil company would be supplying gasoline to the

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station. Since the building has been vacant for the past 6 months, former land use entitlements have expired and a new use permit is required to open. She also indicated that there is enough room in the building for more than a mini-mart. Staff recommended removal of the southerly driveway on Mission Boulevard and construction of a new driveway to be constructed on East 13th Street. This would enhance access to the neighborhood and alleviate potential traffic conflicts on Mission. It would also increase the area devoted to landscaping at the prominent intersection.

Acting Chairperson Fish Opened the Public Hearing at 7:37 p.m.

James Chao, 1136 Keith Avenue, Berkeley, architect for the project, agreed with all of the conditions. However, he said they would prefer to keep open the driveway on Mission as a one-way exit to the north. He indicated that they would be happy to add the driveway to East 13th. He then added that they would like to reserve the option of adding vehicle maintenance bays if no suitable tenants are found for the remaining commercial space. Following discussion between members and Development Services Review Administrator Anderly who suggested the applicant might delay the request for auto repair to a later date so as not to delay the project.

In response to Commissioner Halliday's question about parking on the site, Development Review Services Engineer Anastas indicated that there is plenty of parking on the site with adequate space for maneuvering.

Mr. Chao suggested that they could widen an existing Mission Boulevard driveway on as a further safety measure.

Development Services Review Administrator Anderly indicated that the driveway is already 35-feet wide and the maximum is 36-feet. She suggested that widening beyond the 36-feet should only be done with the endorsement of the City Engineer and Caltrans.

Michael Aminian, Century Medallion Corporation, 10370 S. DeAnza Boulevard, Cupertino, owner of the property, referred to a similar situation in Cupertino. He also asked for permission to extend the driveway to 42-feet, adding that safety is a priority.

The Public Hearing Closed at 7:55 p.m.

Commissioner Zermeno **moved**, seconded by Commissioner Halliday, staff recommendations and included a possible extension of the 36-foot driveway.

Commissioner Bennett asked for further information on the monitoring of the hazardous materials on the site. She was told by the Hazardous Materials Coordinator Murphy that this would continue until it was remediated or a determination was made on the possibility of contaminants.

Commissioner Halliday asked for clarification on the sale of alcohol on the site and was reminded that any alcohol sale would require a specific use permit. The proximity of another off-sale liquor business was pointed out.

Acting Chairperson Fish added that he was glad to see this site being renovated.

The motion passed unanimously 5:0:2, with Commissioners Caveglia and Williams absent.

2. Use Permit Application No. 99-160-02 - Timothy Higgins Quick Response Fire Systems, Inc. (Applicant/Owner) - Request to use an existing industrial building as a fire sprinkler contractor's office and warehouse. The property is located at the southeast corner of Industrial Boulevard and Baumberg Avenue, in an Industrial (I) District.

Assistant Planner DeLuz described the site and the proposed improvements. He indicated that the proposed plan would be compatible with the surrounding neighborhood. He said the applicant is required to upgrade the building before moving into it. The request was to use the existing building as a fire sprinkler contractor's office and warehouse. He added that the applicant had met with the manager of the adjoining mobile home park and had agreed not to keep guard dogs on the site all night long as previous tenants apparently had done. One of the residents called to ask that the site be cleaned up and Mr. Higgins agreed.

The Public Hearing Opened at 8:07 p.m.

Timothy Higgins, Quick Response Fire Systems, 6265 Sierra Court, Dublin, applicant, agreed with the requests from the City but asked for a 6-month deferment in the street improvements and landscaping since the Small Business Administration loan he retained to purchase the property was being used to refurbish and repair the structure to bring it up to code. Staff indicated support for the request because the Public Works Department is currently in the process of redesigning a portion of Baumberg Avenue.

Commissioner Bogue asked the applicant about his hours of operation and whether he might not prefer to have them extended for those who might need to work evenings and weekends to catch up on paperwork.

Mr. Higgins agreed that this would be more practical.

The Public Hearing Closed at 8:10 p.m.

Commissioner Bennett moved, seconded by Commissioner Zermeño, to approve the permit subject to the findings and conditions with an additional 6-month deferral for curb, gutter & landscaping improvements granted

Commissioner Bogue then asked for a friendly amendment that changed Condition 9, the hours of operation to include: Any operations outside those hours will have to be compatible with the surrounding neighborhood.

The motion passed unanimously 5:0:2, with Commissioners Caveglia and Williams absent.

3. Revocation Of Use Permit No.78-83 And Use Permit No. 91-75, Arthur D. and Beverly Bridges Trust (Owners): Request of the Planning Director to revoke use permits due to noncompliance with the conditions of approval. The site is located at 25751-25789 Dollar Street approximately 550 feet north of Harder Road, in a General Commercial (CG) Mission Corridor Special Design Overlay District (SD-2).

Development Services Review Administrator Anderly reported on conditions at the property on Dollar Street and the steps taken by the City to improve conditions there. She indicated that it is not unusual to bring a revocation of a Use Permit to the Commission but that all other remedies had been exhausted. She then introduced Ken Jeffery, Community Preservation Inspector who had also been to the site numerous times and who had attempted to achieve compliance.

The Public Hearing Opened at 8:28 p.m.

Dennis Garrison, Trustee, Arthur Bridges Family Trust, P.O. Box 1037, Alamo, said they had been working with Associate Planner Camire in trying to alleviate the majority of problems. He indicated that they had plans to replace the parking lot within the next 60 days. He added that they would also like to work on the rest of the tenant issues during the next 60 days as well.

Mohammad Mehdavi, 4357 Santee Road, Fremont, one of the tenants (Trust Auto), showed photographs of all of the work the tenants had done to clean up the site. He indicated that there are 16 tenants at that location who would be shut down if the permit was revoked. He claimed that litter on the site was the result of lack of street sweeping on the City's part.

The Public Hearing Closed at 8:39 p.m.

Commissioner Zermeño asked whether the owners would have time to fix all of the problems by June 10th. Mr. Garrison responded that the 60-days should be just about right.

Commissioner Bennett said she appreciated the comments made but it sounded like an issue between the owner and the tenants. She moved, seconded by Commissioner Zermeño, that the Planning Commission find that Owners have failed to comply with the use permit conditions, adopt the attached findings, but stay the revocation of the permits until June 10th, 1999, and impose the further conditions that the owners will comply with all conditions on or before June 10th, 1999, and that they will post security in the amount of \$165,000 for the faithful performance of the conditions. In the event the conditions are not complied with by June 10th, 1999, the use permits will be revoked automatically, and Planning Director will serve a notice of revocation on owners. At that point, owners will have 10 days to appeal from the notice of revocation.

4. 1998 State of the City Report

Senior Planner Calame reported on the State of the City, pointing out a number of improvements and accomplishments made in the City based on the various "quality of life" indicators established with the adoption of the Growth Management Element in 1993. He briefly summarized the activity in the City, noting, in particular, the Twin Bridges Project; the Bailey Ranch development; construction in the Industrial corridor; restoration and habitat enhancement on the shoreline; transportation improvement projects; expanded Library hours and a new public access computer system; the new golf course near Fairway Park; enhancement of fire protection

for the hills; continued crime prevention measures; and completion of the City Seismic Safety Retrofit Program.

Commissioner Halliday complimented Senior Planner Calame on the comprehensiveness of the report and commented regarding the City's goal of home ownership. She then asked for further information about the storefronts across the street from City Hall in the new parking structure.

Development Services Review Administrator Anderly responded that there is interest in the property and that staff is in the process of reviewing the applications, although nothing has been settled in terms of the appropriate tenant mix.

Commissioner Halliday then added that she had been appointed to the Commission overseeing the artwork for the structure; she then proceeded to update commission members on that process.

Commissioner Bennett asked for further information regarding the South of 92 project.

Senior Planner Calame responded that the annexation application for Oliver East has been forwarded to LAFCO (Local Agency Formation Commission) for discussion and decision.

Development Review Services Engineer Anastas added that the City is working with the applicant to resolve issues with regard to the Tract Map; when the issues are resolved, the tract should be to the Commission in late May. He said the City Attorney is working on an agreement for improvements.

Commissioner Zermeno asked whether there is a beautification plan for the City.

Senior Planner Calame responded that Landscape Beautification is a separate plan.

Commissioner Halliday suggested that now that the Neighborhood Task Force Programs were completed it might be nice to keep the spirit of the Plans going through neighborhood updates on what is happening toward reaching their goals.

Senior Planner Calame stated that the Neighborhood Focus Program has been devised to do just that. It has been developed to focus specific portions of a neighborhood for coordination and delivery of City services. He indicated that a second plan includes the Neighborhood Task Force Proposals as the building blocks of the General Plan in the second year of the Budget revision.

Acting Chairperson Fish cited the annexation proposals and asked about their process.

Senior Planner Calame indicated that City staff is working with the County staff to examine the feasibility of the proposal. The Cherryland Area is the study area worked on with the City Council.

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Development Review Services Anderly reported that next week's meeting will be a work session focusing on text amendments to the Zoning Ordinance. She also introduced a new member of the Planning Staff, Richard Paternaude.

6. Commissioners' Announcements, Referrals

Commissioner Bennett congratulated Staff on the fine work done on "B" Street; she then requested that a quick staff phone list be developed for Commissioners.

Commissioner Halliday asked for an update on the development at Schaefer Park Shopping Center.

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- March 11, 1999 - Approved

ADJOURNMENT

The meeting was adjourned by Acting Chairperson Fish at 9:05 p.m.

APPROVED:

Jerry Caveglia, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary